

**CITY COUNCIL MINUTES**  
**October 13, 2008**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, October 13, 2008 at 6:00 p.m. following a 5:30 p.m. Closed Session with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**ROLL CALL:**

**Council Members Present:** Bob Snyder, Kevin Hanley, J. M. Holmes, Keith Nesbitt

**Council Members Absent:** Bridget Powers

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Administrative Manager Joanna Belanger, Police Chief Valerie Harris

By **MOTION** adjourn to a closed session under Government Code Section 54957.6:

- (1) Pursuant to Government Code Section 54956.9(b)  
**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City Council/Agency.

Receipt of Claim pursuant to Tort Claims Act or other written communication from Ruben Ramirez threatening litigation (copy available for public inspection in the City Clerk's office). G.C. 54956.9v(3) (C).

- (2) Pursuant to Government Code Section 54956.9(b)  
**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City Council/Agency.

Receipt of Claim pursuant to Tort Claims Act or other written communication from Ron and Judy Fisher threatening litigation (copy available for public inspection in the City Clerk's office). G.C. 54956.9v(3) (C).

## **REPORT OUT OF CLOSED SESSION**

No reportable action.

## **PLEDGE OF ALLEGIANCE**

## **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Proclamation: Auburn Symphony Month, October

Mayor Nesbitt thanked Jeff Ryan for organizing the Fire Department's Golf Tournament. He said it was a well-attended, enjoyable event.

## **AGENDA APPROVAL**

The agenda was approved as presented by consensus of the Council.

## **CONSENT CALENDAR**

1. **Approval of Warrants Paid – August and September 2008**

By **RESOLUTION 08-129** ratify and approve payment of warrants 70422 through 70819 totaling \$1,838,002.00.

2. **Minutes**

By **MOTION** approve City Council Minutes of September 8, 2008.

3. **Ordinance Establishing Standards for State-Licensed Video Providers – 2<sup>nd</sup> Reading**

By **ORDINANCE 08-08** amend the Auburn Municipal Code regarding state video franchises operating with the City pursuant to A.B. 2987 – the Digital Infrastructure and Video Competition Act of 2006.

4. **Surplus of Used Guns for Purchase of New Guns**

By **RESOLUTION 08-130** authorize the Police Department to surplus used guns, by means of sale or exchange, to a licensed gun dealer for subsequent purchase of new guns for police personnel.

5. **Citywide Janitorial Services Contract**

By **RESOLUTION 08-131** authorize the City Manager or his designee to execute an agreement with All Star Building Maintenance, Inc. to provide janitorial services to City-owned facilities for a period of two years in an amount not to exceed \$110,000.

6. **Policy, Procedures and Rental Rates for the City-Owned Auburn Airport Meeting Room Facility**

Removed from the Consent Calendar at the request of Mayor Nesbitt.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the consent calendar excluding Item No. 6.  
**MOTION: Hanley/Holmes/Approved 4:0 (Absent Powers)**

6. **Policy, Procedures and Rental Rates for the City-Owned Auburn Airport Meeting Room Facility**

Mayor Nesbitt asked if the \$15.00 per hour rental fee covered the administrative costs if the room was rented for only one hour. City Manager Richardson advised that there is a two-hour-minimum rental rate.

By **RESOLUTION 08-132** adopt the Rental Policy and Rental rates for the City-Owned Auburn Airport Meeting Room Facility, located at 13650 New Airport Road, Auburn, CA 95602. **MOTION: Holmes/Hanley/Approved 4:0 (Absent Powers)**

7. **Public Comment**

Margarita Swann, owner of the Golden Swann in Downtown Auburn, spoke in regards to the Black and White Ball. She said the ball does not reflect the family values of Auburn. She said it is a drunken ball. She said she felt if there was an emergency the Fire Department could not respond quickly enough with the stages and the crowds in the area. She said there were 6,000 in attendance and, by comparison to the number of drunken individuals, only a few arrests. She said in addition to the problems with the ball, her business lost a great deal of money by having the street closed on Saturday. She said 70 businesses signed her petition and included only those in the confines of the ball area. She said it is

ridiculous to have seven agencies policing the ball. She asked that the Council help with resolving the problems of the Black and White Ball.

Bruce Cosgrove, Auburn Chamber of Commerce, acknowledged to the Council that the Chamber has been listening to the concerns of the businesses in Down Town Auburn. He said they are taking the concerns seriously and are trying to find resolutions to the problems. He said the Chamber wants a safe and pleasant Black and White Ball in the future.

Council Member Hanley asked if the Chamber Board had decided to have the event at the fairgrounds next year. Mr. Cosgrove said the recommendation has been made, but the fairgrounds have not been secured as of this date. He said if they could not get the fairgrounds, the airport would be a possible site.

City Manager Richardson advised that he, Council Member Snyder and Police Chief Harris have attended the last few Chamber board meetings. He said the issue has been discussed at length in an attempt to find a better solution for the community.

Ben Asgharzadeh of Golden Swann said he has a problem with not enough of the proceeds from the ball going to charity. He said too much money goes to the Chamber of Commerce. He said he does not want drunks on the street in front of his place of business. He said his business loses a lot of money on the weekends of the Black and White Ball.

Council Member Holmes stated that he had attended a meeting with the Gathering Inn. He said the organization helps homeless people year around. He said one of the most difficult times is during the winter months. He said, because of the state of the economy, the organization is experiencing a loss in contributions. He urged residents of the community to consider the Gathering Inn when making contributions to worthwhile organizations.

In reference to the Black and White Ball, Council Member Snyder said that it is a joint effort between the City and the Chamber. He said the City has an important role to play in its responsibility to the community.

Council Member Hanley advised that he is willing to try to convince the Fair Board to accommodate the Chamber to move the ball there. He said he thought the fairgrounds would be a great location for the ball.

## **REPORTS**

### **8. City Council Committee Reports**

Council Member Hanley commended the City Sidewalk Project on Lincoln Way, near Alta Vista. He said the stone retaining wall matches the walls of the neighbors and looks very nice.

Council Member Holmes advised that the Youth Advisory Commission had a briefing from Placer County Water Agency regarding water efficiency. He said the Commission is considering getting community youth involved in a project to emphasize water efficiency. He said it would be particularly worthwhile since the governor has declared drought conditions in California.

Council Member Holmes advised that the Placer County Air Pollution Control District passed a revised rule regarding crematories in Placer County. He said, although Placer County does not currently have a crematory, the restrictions have been eased somewhat. He said there is the possibility of a couple of those businesses being established in the areas of Newcastle, Rocklin or Roseville.

Mayor Nesbitt stated that he attended the League of California Cities Annual Conference. He said he would have a summary report to the Council by the end of the week. He said, compared to other cities, large and small, Auburn is good shape both financially and legally. He expressed his appreciation to the City Attorney, City Manager and Administrative Services/Finance Director.

Mayor Nesbitt said the Placer County Transportation Planning Agency (PCTPA) will have an Unmet Needs Workshop at City Hall and will be open to anyone who would like to attend. He said the proposed Boys and Girls Club near the airport has been "deemed consistent" by default since no determination was made within 60 days by the Airport Land Use Commission (ALUC).

City Manager Richardson said that staff does not concur with the outcome and is asking for review by the City Attorney. Mr. Richardson said there were a number of procedural irregularities throughout the process that have been presented to the ALUC. He said the City will be reviewing its legal options.

Council Member Snyder requested that the item be placed on the agenda of the next Council Meeting and, if necessary, a special meeting be called.

Mayor Nesbitt said the Greenprint Regional Steering Committee draft model regional ordinance for the greenprint will be forwarded by the City Manager to the Council for review. He asked for comments from the Council Members prior to the November meeting before final adoption of the model regional ordinance.

Mayor Nesbitt stated that last December he requested that an event be initiated to acknowledge volunteers for the City. He said some type of recognition is in order. He requested immediate consideration to get a plan underway that would honor the many volunteers that the City utilizes.

## **COUNCIL BUSINESS**

9. **Congestion Mitigation and Air Quality Improvement Program Supplement Agreement – CNG Bus Purchase Project**

Transit Analyst Megan Siren stated that the item before the Council is a routine procedure. She said that Caltrans requires the City to sign a program supplement for the purchase of a compressed natural gas transit bus. She advised that the Council had approved the purchase June 23, 2008.

By **RESOLUTION 08-133** authorize the Director of Public Works to execute the Program Supplement No. N007 for Project Number CML-5077 (012) EA Number 03-928824, in the amount of \$167,225 for the purchase of a Compressed Natural Gas Transit Bus. **MOTION: Hanley/Holmes/Approved 4:0 (Absent Powers)**

10. **Joint Powers Agreement for the Western Placer Consolidated Transportation Service Agency Project**

Transit Analyst Megan Siren explained that the item was brought back to the Council after its August 11, 2008 direction to continue working with PCPTA staff and other jurisdictions. She presented the final draft of the JPA for the Consolidated Transportation Service Agency for approval.

David Melko, Senior Transportation Planner for PCTPA, advised that PCTPA is required to designate a Consolidated Transportation Service Agency. He said they also provide the apportionments for the Transportation Development Act. He said the Act identifies that a CTSA is required within a County to provide services for senior citizens and individuals with disabilities. He advised that, as the agency that does the apportionment and the designation, PCTPA cannot be the same agency as the CTSA. He said the Joint Powers agency has been created, consisting of Placer County and the cities within the County, to actually perform the function. He said the PCTPA staff would serve as the staff for the CTSA. Council questions followed.

By **RESOLUTION 08-134** authorize the Mayor to execute the Western Placer Consolidated Transportation Service Agency Joint Powers

Agreement. **MOTION: Holmes/Hanley/Approved 4:0 (Absent Powers)**

**ADJOURNMENT**

Mayor Nesbitt, without objection, adjourned the meeting at 6:45 p.m.

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Keith Nesbitt, Mayor

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Joseph G. R. Labrie, City Clerk